

## JONES DAY

250 VESEY STREET • NEW YORK, NEW YORK 10281.1047  
TELEPHONE: +1.212.326.3939 • FACSIMILE: +1.212.755.7306

DIRECT NUMBER: (212) 326-8338  
MWLAMPE@JONESDAY.COM

January 5, 2018

### VIA ECF & E-MAIL

The Honorable Katherine B. Forrest  
United States District Judge  
United States District Court for the Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007

Re: Schucker, et al v. Flowers Foods, Inc., et al, No. 16-cv-3439 (KBF)

Dear Judge Forrest:

We represent Flowers Foods, Inc. (“Flowers”), Lepage Bakeries Park Street, LLC, and C.K. Sales Co., LLC (collectively, “Defendants”) in the above-referenced matter, but I write on behalf of all parties. Pursuant to the Court’s December 11, 2017 order (Docket No. 128), the parties write to provide a status report concerning mediation and efforts to reach a settlement in this action.

As we previously reported, on November 29, 2017, the parties participated in a mediation with Hon. Shira Scheindlin (Ret.), but did not reach a settlement at that time. Since then, the parties have continued to discuss settlement possibilities and have made some progress towards reaching a settlement. However, the parties believe that a second mediation session is needed to assist in finalizing a settlement. To that end, the parties have agreed to participate in a mediation with Carole Katz, Esq, of Carole Katz Alternative Dispute Resolution. Ms. Katz is particularly well suited to assist the parties here because she has successfully mediated to settlement three prior distributor misclassification cases brought against Flowers and/or its bakery subsidiaries. *See Rehberg v. Flowers Baking Co. of Jamestown, LLC, et al.*, No. 3:12-cv-00596 (Docket No. 250) (W.D.N.C.) (granting final settlement approval); *Bokanoski v. Lepage Bakeries Park Street, LLC, et al.*, No. 3:15-cv-00021 (Docket No. 131) (D. Conn.) (granting final settlement approval); *Coyle v. Flowers Foods, Inc., et al.*, No. 2:15-cv-01372 (Docket No. 389) (D. Ariz.) (granting preliminary settlement approval and setting fairness hearing for March 23, 2018).

The parties have agreed to conduct the mediation with Ms. Katz on Wednesday, February 14, 2018, the earliest mutually available date for Ms. Katz and the parties. To allow time for the parties to continue these discussions, and to focus their efforts towards a settlement of this

The Honorable Katherine B. Forrest  
January 5, 2018  
Page 2

action, the parties request that the Court (i) continue to adjourn all case proceedings, and (ii) set a deadline of Wednesday, February 28, 2018, for the parties to submit another status report.

If the parties' request meets with Your Honor's approval, a "So Ordered" line is provided below for the Court's convenience.

Respectfully submitted,

s/ Matthew W. Lampe

Matthew W. Lampe

Cc: Randy J. Perlmutter, Esq.  
Attorney for Plaintiffs

IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Hon. Katherine B. Forrest  
United States District Judge